

### **REMARKS**

Claims 3-21 remain pending in the present application. Applicant would like to thank the Examiner for the thorough consideration given to the present application and the courtesies extended to applicant's representative during a telephone interview on October 13, 2004. During that interview, the Examiner indicated that the claims as amended herein would define patentable subject matter. The Examiner is respectfully requested to reconsider and withdraw his rejections in view of the above amendments and remarks as set forth below.

It is believed that the originally filed claims are patentably distinct over the relied upon references. For instances, none of the references relied upon by the Examiner teach or suggest characterizing the intelligibility of the speech with regard to the listener based on an acoustic signal taken from the listening environment as recited in claims 1 and 2 of the present application, dependent claim 3 has been amended and converted into an independent claim by the combining of claims 1 and 3, in accordance with the Examiner's suggestion, thereby placing claim 3 in condition for allowance. Accordingly, applicants respectfully request the Examiner to reconsider and withdraw this rejection.

### **CANCELLED CLAIMS**


While Applicant disagrees with the Examiner for the reasons cited above, the applicant has cancelled claims 1-2 and 22-30.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: November 1, 2004

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